



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



October 18, 2002

Mr. Steven Kidder
Engineering Manager
Rochester Shoe Tree Company
One Cedar Lane
Ashland, New Hampshire 03217

**CERTIFIED MAIL (7099 3400 0003 0687 3827)
RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

Dear Mr. Kidder:

The New Hampshire Department of Environmental Services, Air Resources Division ("DES") is sending this Notice of Past Violation ("NPV") to Rochester Shoe Tree Company ("Rochester Shoe Tree") to address issues of non-compliance with NH Administrative Rules Env-A 100 *et seq.*, NH Rules Governing the Control of Air Pollution and State Permit to Operate PO-B-1591 ("the Permit"). The Permit was issued to Rochester Shoe Tree on April 22, 1997.

1. Env-A 608.10 requires the owner or operator of any stationary source or device that has been issued a state permit to operate to submit an application 90 days prior to the expiration of the state permit to operate. The Permit expired on February 28, 2001. Rochester Shoe Tree submitted its permit application to DES on August 16, 2001 and a Permit was issued on February 13, 2002.
2. Section IX Recordkeeping and Reporting of the Permit, and Env-A 907.01 require the owner or operator of any stationary source, area source or device subject to Env-A 600 to submit an annual emissions report which includes the actual emissions of the stationary source and the methods used in calculating such emissions in accordance with Env-A 704.02. The annual emissions report was required to be submitted on or before April 15th of the following year. For calendar year 1999, the annual emissions report was required to be submitted on or before April 15, 2000. DES received Rochester Shoe Tree's annual emissions reports for calendar years 1997, 1998, 1999 and 2001 on January 24, 2002. DES received the annual emissions report for calendar year 2000 on September 4, 2001.
3. Section VIII Emission-Based Fee Requirements of the Permit, and Env-A 704.01 require Rochester Shoe Tree to annually pay emission-based fees for all permitted devices in accordance with Env-A 704.04. Emission fees for each calendar year are due by October 15th for the previous calendar year emissions. On March 4, 2002, DES received \$658.01 from Rochester Shoe Tree for calendar years 1995, 1996, 1997, 1998 and 1999. On October 12, 2001, DES received \$215.98 from Rochester Shoe Tree for calendar year 2000.

4. Env-A 1404.01(b) requires Rochester Shoe Tree to demonstrate compliance with Env-A 1400, following one of the methods specified in Env-A 1406.01. Further, Env-A 1400 requires this information be retained on site and made available to DES upon inspection. At the time of the inspection, Rochester Shoe Tree had not completed the compliance demonstration as required by Env-A 1404.01(b). Rochester Shoe Tree submitted this information to DES on March 8, 2002.

DES recognizes the efforts that Rochester Shoe Tree has taken to come into compliance. Accordingly, no further action in response to the listed violations is required.

DES requests that Rochester Shoe Tree comply with all future obligations contained in the Permit and wants to remind Rochester Shoe Tree that payment for calendar year 2001 emissions is due by December 15, 2002. In the event that other violations are identified, DES may take action against Rochester Shoe Tree, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the NH Department of Justice.

If Rochester Shoe Tree believes that the alleged violations noted in this NPV have been cited in error, or if you have any questions regarding this matter, please contact Joseph Ritz at (603) 271-1391. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY" in large, bold, black capital letters. The signature appears to be "P. Monroe".

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

cc: G. Rule, NHDES Legal Unit
R. Kurowski, EPA Region I
G. Chouinard, Chairman of Selectmen, Town of Ashland